



Appeal Decision

Site visit made on 25 March 2025

by R Cahalane BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 May 2025

Appeal Ref: APP/A1720/W/24/3352578

Richmond, Hook Lane, Fareham, Hampshire PO14 4LP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Martin and Julie Fuge (Bluecroft Ltd) against the decision of Fareham Borough Council.
 - The application Ref is P/23/1660/PC.
 - The development proposed is creation of three dwellings consisting of: Northern Dwelling - 99.5 sq m; Central Dwelling - 99.9 sq m; and, Southern Dwelling - 462 sq m.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have also dealt with two other appeals¹ on this site. Those appeals are the subject of separate decisions.
3. Subsequent to the local planning authority (LPA) refusing prior approval, the Town and Country Planning (General Permitted Development) (England) Order 2015 (the Order) was amended on 21 May 2024. However, its transitional arrangements are such that for the purposes of Class Q, I must still assess the appeal proposal against the Order that was in force at the time that the application for prior approval was made, which was the 01 August 2020 version. All references in this decision to “the Order” therefore relate to the 01 August 2020 version.
4. The appeal submission includes an updated Structural Condition Report² (SCR), supplemented by a loading capabilities assessment. This was not before the LPA when it determined the application. However, this updated technical information has not led to any change to the proposed plans that were determined by the LPA when making its decision, who has also had the opportunity to comment on the details during the appeal. Accordingly, this information is accepted, and I have had regard to it in my determination.

Main Issue

5. The LPA may refuse the application where it considers that the proposed development does not comply with the conditions, limitations or restrictions set out under Class Q. This essentially forms the crux of the reason for refusal on the decision notice.

¹ APP/A1720/W/24/3352576; APP/A1720/W/24/3352577

² Cowan Consultancy, Ref: DJB/456214/djb, Issue 05 dated 17 September 2024

6. In light of this, and having regard to all of the submitted evidence, the main issue is whether, in the context of Schedule 2, Part 3, Class Q of the Order, the scope of works proposed would consist of building operations that are reasonably necessary for the building to function as three dwellinghouses.

Reasons

7. The appeal site comprises a nursery glasshouse building, forming a wider group of buildings within a former horticultural nursery. I understand that this use operated until about 2020 and that the buildings have remained unused since then.
8. The permitted development right under Schedule 2, Part 3, Class Q(a) and (b) of the Order allows the change of use of an agricultural building and any land within its curtilage to a dwelling house together with building operations reasonably necessary to enable the conversion. This is subject to various limitations and conditions as set out in paragraphs Q.1 and Q.2 of that Class.
9. The Planning Practice Guidance (PPG)³ advises that the Class Q permitted development right assumes that the agricultural building is capable of functioning as a dwelling. It is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. It is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right.
10. Case law⁴ has also held that the building must be capable of conversion to residential use without operations amounting to complete or substantial re-building of the pre-existing structure or, in effect, the creation of a new building. Where the line is drawn between a conversion and a rebuild or fresh build is a matter of planning judgement.
11. The appeal building contains steel frames with significant clear glazing, including the pitched roofs, typical of a nursery function. Glazing panels are supported by numerous narrow aluminium frames. Internally, warren trusses provide support for the building frame. There are footings, and a main concrete walkaway running within the centre of the building, with some small precast concrete access corridors provided perpendicular to this walkway. The remainder of the building floor mainly comprises compacted soil covered by a landscaping geotextile membrane. No damp proof course is present, and neither are there any internal partitions or enclosures.
12. The SCR has been undertaken by a suitably qualified professional. Its executive summary states that the appeal building is “generally in good structural condition”, whereas the conclusion states that it is in “very good condition”. During my site visit, I found the building to be in reasonably good structural condition, but with many repair works required as indicated in the SCR.
13. Signs of weathering effects on the building and water ingress within are apparent in a number of locations, including some discolouration and deterioration of the blockwork dado walls, some rust on fixings and brackets, and some internal vegetation growth adjacent many of these areas of deterioration. A number of the glass elevation panels are also broken and would be replaced where necessary.

³ 'When is permission required?' Paragraph 105 reference ID: 13-105-20180615 Revision date: 15/06/2018

⁴ *Hibbitt v SSCLG* [2016] EWHC 2853

14. The SCR states that foundation strips will not be required for the proposed independent steel frame system (SFS) partitions, as these will be lightweight and within a protected environment. However, no plan or specification details of the SFS are before me to demonstrate that its weighting would not require foundations. Details of the precise relationship between the retained frame and new concrete floor are also not before me, which casts some doubt as to whether these elements are achievable in tandem.
15. The proposal also includes communal soft landscaping areas, along with parking spaces and turning areas for the dwellings. This would all be covered by the existing glazed frame, with a single vehicular access to be provided through removal of some of the glazed wall cladding. As indicated in the SCR, I noted that the external ground level of the site rises slightly to the north towards the adjacent barn and hard standing area, meaning that much of the existing floor level is below the adjacent land and development levels. The submitted evidence does not however clarify what the proposed floor and ground levels would be.
16. If left unchanged, to my mind surrounding external levels would have to be lowered to provide damp proofing and adequate drainage for the dwellings and their access and parking areas, to such an extent that would amount to a significant engineering operation. Conversely, if the floor and ground levels within the building are raised, this creates further doubt as to whether its existing frame could sustain these works and be successfully retained thereafter. This may require further works such as underpinning of the walls and excavations.
17. The loading capabilities assessment has been undertaken on the assumption that the replacement wall claddings would be of softwood timber, and that a more specific specification of roof cladding would be utilised. This assessment is also based on the premise that the existing frame will only cater for the outer skin cladding for the proposed dwellings, and that provision for the thermal properties, vapour control membrane and internal linings will be provided by the SFS, directly built or fixed to the ground floor. This assessment sets out that the average loading increase is 5%, in line with International Existing Building Code prescriptive allowance method for gravity loads.
18. However, no precise specification details for the proposed softwood timber cladding are before me, nor are there any details regarding the precise structural composition of the proposed roof. This leaves me with some doubt as to whether the purported loading levels can be achieved in practice.
19. Irrespective of the proposed loadings, the Order makes no distinction between structural and non-structural works, and it places no restriction on whether works are structural or not. That being said, the proposed concrete floors and enclosed parking and turning areas are not building operations that fall within the limitations set out in Paragraph Q.1.(i) of Class Q that are deemed reasonably necessary for a building to function as three dwellinghouses.
20. More crucially, given the ambiguities that I have identified in respect of the floor and ground levels, the abovementioned elements of the proposal could involve significant overall works, including outwith of the interior of the building. Such operations would go beyond works of maintenance, improvement or other

alteration affecting only the interior of the building, which are exempted from the meaning of “development” under s55(2)(a) of the Act⁵.

21. Furthermore, in my judgement the extent of existing external wall and roof sections to be replaced or removed, together with the new concrete floors and SFS structures to facilitate the proposal, would go beyond what could be reasonably described as a partial demolition necessary for the building to function as a dwellinghouse. To my mind, the totality of these works amounts to a rebuild or a fresh build, rather than a conversion.
22. For clarity, my conclusion is based on the proposed plans that were considered by the LPA when making its decision⁶. These same plans are provided with the appeal. The proposed ground floor plan⁷ layout substantially differs from that contained within Appendix E of the SCR, which raises some further doubt regarding its conclusions.
23. My attention has been drawn to an appeal allowed⁸ in 2021 for Class Q conversion of a commercial greenhouse to a dwelling. That decision letter however refers to the whole glasshouse building containing a solid concrete floor slab, unlike the current appeal building. Additionally, the building operations relating to the current proposal, as already set out above, are significantly more extensive than what was allowed under this cited example. I therefore do not consider that appeal to be a direct comparison to the current proposal, and it therefore does not justify allowing this appeal.
24. In conclusion, it has not been sufficiently demonstrated that the extent of the building operations proposed would accord with the provisions of Schedule 2, Part 3, Class Q of the Order. The proposed building operations would also not comply with Paragraph Q(i) of Class Q, and as a whole, I do not consider such operations to be reasonably necessary for the building to function as three dwellinghouses.

Other Matters

25. I note that the appeal proposal follows on from a Pre-application Enquiry made to the LPA, and a further meeting with LPA officers. However, I must determine the appeal based on all submitted evidence, the site-specific circumstances, and my site visit observations.

Conclusion

26. For the reasons given, the appeal should be dismissed.

R Cahalane

INSPECTOR

⁵ The Town and Country Planning Act 1990

⁶ As listed in decision notice ref: P/23/1660/PC

⁷ Drawing Number: 1045-PRA-NB-00-DR-A-1304-C

⁸ APP/W330/W/21/3268761: Nailsbourne, Taunton, Somerset